

# EXHIBIT M

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 HOUSTON DIVISION</p> <p>4 In Re: )</p> <p>5 ) Civil Action No.</p> <p>6 APACHE CORP. SECURITIES ) 4:21-cv-00575</p> <p>7 LITIGATION )</p> <p>8 )</p> <p>9 ORAL AND VIDEOTAPED DEPOSITION</p> <p>10 OF</p> <p>11 DAVID SULLIVAN</p> <p>12 MAY 25, 2023</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE CO-LEAD PLAINTIFF TRUSTEES OF THE</p> <p>4 TEAMSTERS UNION NO. 142 PENSION FUND and</p> <p>5 CO-LEAD COUNSEL FOR THE CLASS:</p> <p>6 RICHARD A RUSSO, JR., ESQ.</p> <p>7 Kessler Topaz Meltzer &amp; Check, LLP</p> <p>8 280 King of Prussia Road</p> <p>9 Radnor, Pennsylvania 19087</p> <p>10 rrusso@ktmc.com</p> <p>11</p> <p>12 SARA DILEO, ESQ.</p> <p>13 Saxena White P.A.</p> <p>14 10 Bank Street</p> <p>15 Ste. 882</p> <p>16 White Plains, New York 10606</p> <p>17 sdileo@saxenawhite.com</p> <p>18</p> <p>19 FOR DEFENDANTS APACHE CORPORATION, JOHN J.</p> <p>20 CHRISTMANN IV, TIMOTHY J. SULLIVAN AND STEPHEN</p> <p>21 J. RINEY:</p> <p>22 JOHN BAKER, ESQ.</p> <p>23 Baker Botts, L.L.P.</p> <p>24 910 Louisiana Street</p> <p>25 Houston, Texas 77002</p> <p>john.baker@bakerbotts.com</p> <p>JOHN B. LAWRENCE, ESQ.</p> <p>Baker Botts L.L.P.</p> <p>2001 Ross Avenue</p> <p>Ste. 900</p> <p>Dallas, Texas 75201</p> <p>john.lawrence@bakerbotts.com</p> <p>Also Present:</p> <p>Caylob Suarez, Videographer</p>
<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3 ORAL AND VIDEOTAPED DEPOSITION OF</p> <p>4 DAVID SULLIVAN, produced as a witness at the</p> <p>5 instance of the Defendant and duly sworn, was</p> <p>6 taken in the above-styled and numbered cause</p> <p>7 on May 25, 2023, from 9:05 a.m. to 11:57 a.m.,</p> <p>8 CDT, before KATERI A. FLOT-DAVIS, CSR, CRR, in</p> <p>9 and for the State of Texas, reported by</p> <p>10 machine shorthand, pursuant to the Federal</p> <p>11 Rules of Civil Procedure and the provisions</p> <p>12 stated on the record herein.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX</p> <p>2</p> <p>3 PAGE</p> <p>4</p> <p>5 Appearances..... 3</p> <p>6</p> <p>7</p> <p>8 DAVID SULLIVAN</p> <p>9</p> <p>10 Examination by Mr. Lawrence..... 7</p> <p>11 Examination by Ms. DiLeo..... 127</p> <p>12</p> <p>13 Signature and Changes..... 132</p> <p>14 Reporter's Certificate..... 134</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Page 5				Page 7			
1	EXHIBITS			1	P R O C E E D I N G S		
2				2			
3	NO.	DESCRIPTION	PAGE	3	THE VIDEOGRAPHER: We're on the		
4				4	record on May 25th, 2023, at 9:05 a.m.,		
5	Exhibit 1	Defendants' Amended Notice		5	Central Time, for the remote deposition		
6		of Videotaped Deposition...	17	6	of Mr. David Sullivan in the matter of		
7				7	In Re: Apache Corp Securities		
8	Exhibit 2	Class Action Complaint.....	30	8	Litigation.		
9				9	My name is Caylob Suarez and I am		
10	Exhibit 3	Consolidated Class Action		10	the videographer on behalf of Lexitas.		
11		Complaint for Violations		11	All present will be noted on the		
12		of the Federal Securities		12	stenographic record.		
13		Laws.....	34	13	Will the court reporter please		
14				14	swear in the witness.		
15	Exhibit 4	Investment Management		15	(Witness sworn.)		
16		Agreement, dated 3/27/07,		16			
17		Bates Stamped		17	DAVID SULLIVAN,		
18		PLYMOUTHCOUNTY_-00000276...	57	18	having been first duly sworn, testified as		
19	Exhibit 5	Portfolio Analysis, dated		19	follows:		
20		December 31, 2019,		20	EXAMINATION		
21		Bates Stamped		21	BY MR. LAWRENCE:		
22		PLYMOUTHCOUNTY_00000098....	66	22	<b>Q. Good morning, Mr. Sullivan.</b>		
23				23	<b>How are you?</b>		
24				24	A. Good.		
25				25	<b>Q. Have you been deposed before?</b>		

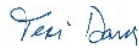
Page 6				Page 8			
1				1	A. I have.		
2				2	<b>Q. About how many times?</b>		
3	Exhibit 6	Plymouth County Retirement		3	A. I believe this is my seventh		
4		Board March 24, 2020		4	deposition.		
5		Regular Meeting.....	73	5	<b>Q. And were the other six also in</b>		
6	Exhibit 7	Portfolio Analysis, dated		6	<b>connection with securities litigation?</b>		
7		September 30, 2021.....	88	7	A. They were.		
8				8	<b>Q. All of them, or are there any in</b>		
9	Exhibit 8	Portfolio Analysis, dated		9	<b>addition to those?</b>		
10		December 31, 2021.....	93	10	A. No. All of them.		
11				11	<b>Q. Okay.</b>		
12				12	<b>When was the last time you were</b>		
13	Exhibit 9	Plymouth County Retirement		13	<b>deposed?</b>		
14		Board August 31, 2021		14	A. I believe -- it was early in the		
15		Regular Meeting.....	107	15	spring. I believe it was March.		
16				16	<b>Q. Where are you physically located</b>		
17				17	<b>today?</b>		
18				18	A. I'm in the Saxena White's office in		
19				19	Boca Raton.		
20				20	<b>Q. Who else is in the room with you?</b>		
21				21	A. Saxena White's lawyer, Sara Dileo.		
22				22	<b>Q. Do you have any documents or notes</b>		
23				23	<b>with you?</b>		
24				24	A. I do not.		
25				25	<b>Q. Do you have any programs on your</b>		

<p style="text-align: right;">Page 73</p> <p>1 market as a whole.</p> <p>2 <b>Q. And what do you mean by "unusual</b></p> <p>3 <b>fluctuations in the market as a whole"?</b></p> <p>4 A. That the, you know, case of March</p> <p>5 of 2020, the decreases and the subsequent</p> <p>6 increases were just, you know, more dramatic</p> <p>7 than, you know, other periods -- or normal</p> <p>8 periods of time.</p> <p>9 MR. LAWRENCE: Why don't we do</p> <p>10 this: Let's look at --</p> <p>11 What are we on?</p> <p>12 No. 5? Exhibit 5?</p> <p>13 THE REPORTER: The next one will be</p> <p>14 Six.</p> <p>15 MR. LAWRENCE: Thank you.</p> <p>16 Let's look at the March 24th, 2020,</p> <p>17 Plymouth board members, which we'll mark</p> <p>18 as Exhibit 6.</p> <p>19 (Exhibit No. 6 Marked.)</p> <p>20 <b>Q. (BY MR. LAWRENCE) Do you recognize</b></p> <p>21 <b>this document, Mr. Sullivan?</b></p> <p>22 A. I do.</p> <p>23 <b>Q. And if we -- I guess -- what is</b></p> <p>24 <b>the -- these are the minutes of the Plymouth</b></p> <p>25 <b>County Retirement Board from March 24th, 2020.</b></p>	<p style="text-align: right;">Page 75</p> <p>1 No, I'm good.</p> <p>2 I -- I sought board approval.</p> <p>3 MR. LAWRENCE: Yeah.</p> <p>4 <b>Q. (BY MR. LAWRENCE) So is the way it</b></p> <p>5 <b>works, after each meeting you prepared the</b></p> <p>6 <b>minutes; but, of course, then the board, at</b></p> <p>7 <b>the next meeting, approves them as being the</b></p> <p>8 <b>appropriate; true?</b></p> <p>9 A. Yeah. The preparation is a</p> <p>10 collaborative effort by more than just myself.</p> <p>11 But the -- you know, the final</p> <p>12 review before it goes to the board was mine.</p> <p>13 And that's why it says, "Minutes prepared by"</p> <p>14 myself, because I -- I would sign off before</p> <p>15 it would go to the board.</p> <p>16 <b>Q. So you're the one responsible for</b></p> <p>17 <b>preparing minutes.</b></p> <p>18 <b>People under you may do -- assist</b></p> <p>19 <b>in that process, but you're the one</b></p> <p>20 <b>responsible for preparing these and you make</b></p> <p>21 <b>sure that they're ready to go to the board</b></p> <p>22 <b>before the board sees them?</b></p> <p>23 A. Correct.</p> <p>24 <b>Q. Okay.</b></p> <p>25 <b>If we go to the fifth page of this</b></p>
<p style="text-align: right;">Page 74</p> <p>1 A. Yes.</p> <p>2 <b>Q. What -- what is the -- what is the</b></p> <p>3 <b>purpose of this document?</b></p> <p>4 A. Well, it's -- it's the official</p> <p>5 record of our monthly meeting, you know, which</p> <p>6 we're required to have a monthly meeting, once</p> <p>7 a month.</p> <p>8 MR. LAWRENCE: And if we scroll to</p> <p>9 the last page in this document, I think</p> <p>10 we'll see -- it says: "Minutes prepared</p> <p>11 by: David J. Sullivan, Executive</p> <p>12 Director."</p> <p>13 Is that right.</p> <p>14 MS. DILEO: If you want to take a</p> <p>15 minute to just look through there.</p> <p>16 Are you going to be asking more</p> <p>17 questions about the content of the</p> <p>18 document?</p> <p>19 MR. LAWRENCE: I will.</p> <p>20 But -- and I can direct him to</p> <p>21 pages and he can look around.</p> <p>22 But right now I'm just trying to</p> <p>23 establish that he's the one who prepared</p> <p>24 these minutes.</p> <p>25 THE WITNESS: Yeah.</p>	<p style="text-align: right;">Page 76</p> <p>1 document, there are -- at the top of each page</p> <p>2 there are numbers. It's the top-of-the-page</p> <p>3 number 8539.</p> <p>4 And we see something that says,</p> <p>5 "Meketa Update."</p> <p>6 Do you see that?</p> <p>7 A. I do.</p> <p>8 <b>Q. And you mentioned Meketa before.</b></p> <p>9 <b>This is the consultant that oversaw</b></p> <p>10 <b>the managers?</b></p> <p>11 A. Correct.</p> <p>12 <b>Q. Okay.</b></p> <p>13 <b>It starts with: "Prior to the</b></p> <p>14 <b>commencement of this update, board member</b></p> <p>15 <b>Mr. McDonough requested that the board freeze</b></p> <p>16 <b>all presentations for sixty days because of</b></p> <p>17 <b>the unprecedented market and circumstances."</b></p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 <b>Q. And who is Mr. McDonough?</b></p> <p>21 A. He's one of the elected board</p> <p>22 members.</p> <p>23 <b>Q. How many board members are there?</b></p> <p>24 A. Five.</p> <p>25 <b>Q. And do you know how long</b></p>

<p style="text-align: right;">Page 77</p> <p>1 <b>Mr. McDonough had been on the board?</b></p> <p>2 A. I'm going to guess, at this stage,</p> <p>3 over 30 years.</p> <p>4 <b>Q. Would you agree that there were,</b></p> <p>5 <b>quote, "unprecedented market and</b></p> <p>6 <b>circumstances" at this point in time?</b></p> <p>7 A. I do remember this meeting. I</p> <p>8 don't remember all my meetings there at</p> <p>9 Plymouth County, but I remember this meeting.</p> <p>10 But I remember not being in</p> <p>11 agreement with Mr. McDonough's opinions at</p> <p>12 this meeting.</p> <p>13 <b>Q. Not being in agreement with his</b></p> <p>14 <b>opinion that the board should freeze</b></p> <p>15 <b>presentations, or -- or not in agreement with</b></p> <p>16 <b>his assessment that the situation was</b></p> <p>17 <b>unprecedented?</b></p> <p>18 A. Pretty much everything; that I was</p> <p>19 just not in agreement with Mr. McDonough this</p> <p>20 day.</p> <p>21 <b>Q. Okay.</b></p> <p>22 <b>So you did not think that the</b></p> <p>23 <b>situation in March of 2020 was unprecedented?</b></p> <p>24 MS. DILEO: Objection to form.</p> <p>25 THE WITNESS: I -- I did not.</p>	<p style="text-align: right;">Page 79</p> <p>1 down another couple paragraphs, he's stating</p> <p>2 something else, as well.</p> <p>3 So I do believe these minutes speak</p> <p>4 for themselves.</p> <p>5 <b>Q. A couple paragraphs down, it says,</b></p> <p>6 <b>quote: "Board member Mr. McDonough stated</b></p> <p>7 <b>that we are in uncharted territory and</b></p> <p>8 <b>reiterated putting a moratorium in place for</b></p> <p>9 <b>sixty days..."</b></p> <p>10 <b>Is that what you're referring to?</b></p> <p>11 A. That's a snippet of -- of this.</p> <p>12 MS. DILEO: And, again, if you want</p> <p>13 to read this whole -- these paragraphs,</p> <p>14 take your time and read them.</p> <p>15 And we can continue with questions</p> <p>16 when you're ready.</p> <p>17 THE WITNESS: Yeah. I mean, I can</p> <p>18 see that.</p> <p>19 Again, I do specifically remember</p> <p>20 this meeting.</p> <p>21 <b>Q. (BY MR. LAWRENCE) March 2020 was a</b></p> <p>22 <b>momentous time in your career?</b></p> <p>23 MS. DILEO: Objection to form.</p> <p>24 THE WITNESS: I would use -- I</p> <p>25 would use the word "memorable," not</p>
<p style="text-align: right;">Page 78</p> <p>1 But I also recognized, with</p> <p>2 relation to, you know, investments and</p> <p>3 investment managers' decisions, I was</p> <p>4 not a voting member. So any opinion</p> <p>5 that I had was mine, and my own, and</p> <p>6 generally kept to myself.</p> <p>7 <b>Q. (BY MR. LAWRENCE) Do you recall</b></p> <p>8 <b>why Mr. McDonough believed that the market was</b></p> <p>9 <b>unprecedented?</b></p> <p>10 MS. DILEO: Objection to form.</p> <p>11 Calls for speculation.</p> <p>12 THE WITNESS: I just believe it was</p> <p>13 COVID-related.</p> <p>14 <b>Q. (BY MR. LAWRENCE) What did he say</b></p> <p>15 <b>in the meeting about that?</b></p> <p>16 A. It -- it's -- these -- these</p> <p>17 minutes, you know, do speak for themselves.</p> <p>18 We've always, you know, attempted to be</p> <p>19 transparent at our meetings.</p> <p>20 And maybe it's not a complete</p> <p>21 transcript, but we do -- I do believe that,</p> <p>22 you know, everything that's written in this</p> <p>23 meeting is -- is fair of what happened that</p> <p>24 day.</p> <p>25 And, you know, I can see, coming</p>	<p style="text-align: right;">Page 80</p> <p>1 "momentous."</p> <p>2 <b>Q. (BY MR. LAWRENCE) Why was it</b></p> <p>3 <b>memorable?</b></p> <p>4 A. What was going on with COVID was --</p> <p>5 was pretty memorable, and it's -- it was</p> <p>6 just -- it was a time I remember.</p> <p>7 And, as I said, I don't remember</p> <p>8 all the meetings, but I do remember this one.</p> <p>9 <b>Q. Why do you remember this one?</b></p> <p>10 MS. DILEO: Objection to form.</p> <p>11 THE WITNESS: First and foremost,</p> <p>12 it was the first board meeting we ever</p> <p>13 did remotely; and just scrambling to get</p> <p>14 it onto -- go to meeting format and</p> <p>15 pulling everything off was memorable, in</p> <p>16 itself.</p> <p>17 <b>Q. (BY MR. LAWRENCE) In the fourth</b></p> <p>18 <b>paragraph we see minutes discussing</b></p> <p>19 <b>Mr. Manning's comments.</b></p> <p>20 <b>And remind me, Mr. Manning, is the</b></p> <p>21 <b>title director of investments?</b></p> <p>22 <b>Is that -- what was his title?</b></p> <p>23 A. Director of investments.</p> <p>24 <b>Q. Okay.</b></p> <p>25 <b>And where does that sit?</b></p>

<p style="text-align: right;">Page 81</p> <p>1 <b>Does that -- does he report</b>  2 <b>directly to you?</b>  3 A. He does.  4 <b>Q. Okay.</b>  5 MS. DILEO: Did.  6 THE WITNESS: Did. Sorry.  7 <b>Q. (BY MR. LAWRENCE) And -- and these</b>  8 <b>minutes, it says: "Mr. Manning" --</b>  9 <b>acknowledges -- "acknowledged that this is</b>  10 <b>something brand new to capital markets..."</b>  11 <b>Did you agree with Mr. Manning,</b>  12 <b>that this was something brand new to capital</b>  13 <b>markets?</b>  14 MS. DILEO: Objection to form.  15 THE WITNESS: I wouldn't have used  16 the word "brand new."  17 <b>Q. (BY MR. LAWRENCE) What is -- what</b>  18 <b>is the "this" that Mr. Manning was referring</b>  19 <b>to?</b>  20 MS. DILEO: Objection to form.  21 THE WITNESS: Again, I just think  22 all, you know, the -- the COVID-related,  23 you know, of the day, you know, what was  24 going on with COVID in March of 2020.  25 <b>Q. (BY MR. LAWRENCE) And, in</b></p>	<p style="text-align: right;">Page 83</p> <p>1 Calls for speculation.  2 THE WITNESS: Yeah, I -- I wouldn't  3 make that leap. I'm -- I'm not exactly  4 sure what he specifically was referring  5 to.  6 <b>Q. (BY MR. LAWRENCE) Well, what did</b>  7 <b>you understand him to mean?</b>  8 A. Just the -- the overall market,  9 that there were factors that, in his opinion,  10 you know, influenced people.  11 <b>Q. And in his opinion one of those</b>  12 <b>factors influencing people was fear?</b>  13 MS. DILEO: Objection to form.  14 THE WITNESS: I believe in his  15 opinion on that day, yes.  16 <b>Q. (BY MR. LAWRENCE) And then the</b>  17 <b>sentence concludes: "...and that volatility</b>  18 <b>in unpredictable."</b>  19 <b>I assume that should be "...is</b>  20 <b>unpredictable"?</b>  21 A. It -- it looks like a typo, yes.  22 And, again, that would be, you  23 know, his view.  24 <b>Q. Why is -- why would unpredictable</b>  25 <b>volatility be relevant to someone in</b></p>
<p style="text-align: right;">Page 82</p> <p>1 <b>particular, how it was impacting the capital</b>  2 <b>markets.</b>  3 MS. DILEO: Objection to form.  4 <b>Q. (BY MR. LAWRENCE) That's what he's</b>  5 <b>talking about, right?</b>  6 A. That's what Mr. Manning is talking  7 about here, yes.  8 <b>Q. And, in Mr. Manning's view, the</b>  9 <b>impact of COVID on the capital markets was,</b>  10 <b>quote, "extremely unprecedented"; is that</b>  11 <b>right?</b>  12 A. That -- that's Mr. -- that was  13 Mr. Manning's view.  14 <b>Q. And it was also Mr. Manning's view</b>  15 <b>that, quote, "...fear was a factor..."?</b>  16 A. That was Mr. Manning's view that  17 day.  18 <b>Q. Do you recall him explaining what</b>  19 <b>he meant by "fear was a factor"?</b>  20 A. I do not.  21 <b>Q. Was -- was there a belief by</b>  22 <b>Mr. Manning and others that, during this</b>  23 <b>timeframe, some investors were trading based</b>  24 <b>on fear rather than facts?</b>  25 MS. DILEO: Objection to form.</p>	<p style="text-align: right;">Page 84</p> <p>1 <b>Mr. Manning's job as director of investments?</b>  2 A. I think, again, his job was solely  3 related to the -- you know, the investments  4 and, you know, he -- he's entitled to, and  5 quite often did, give opinions on -- on the  6 markets and the portfolio as a whole.  7 <b>Q. And -- and how would -- how would</b>  8 <b>unpredictable volatility be relevant to the</b>  9 <b>assessments he was making?</b>  10 MS. DILEO: Objection. Form.  11 THE WITNESS: I didn't hear the  12 last part of your sentence. I'm sorry.  13 <b>Q. (BY MR. LAWRENCE) How would</b>  14 <b>unpredictable volatility be relevant to the</b>  15 <b>assessments Mr. Manning was making in his job?</b>  16 MS. DILEO: Same objection.  17 THE WITNESS: It's, you know, to --  18 to his opinion, and not just his opinion  19 that day, but, you know, perhaps his  20 opinion the next month or the next  21 months, as well.  22 <b>Q. (BY MR. LAWRENCE) Is volatility</b>  23 <b>something that somebody overseeing investments</b>  24 <b>likes to see or doesn't like to see?</b>  25 MS. DILEO: Objection to form.</p>

1 I, DAVID SULLIVAN, have read the  
2 foregoing deposition and hereby affix my  
3 signature that same is true and correct,  
4 except as noted above.  
5  
6 DAVID SULLIVAN  
7  
8 THE STATE OF \_\_\_\_\_  
9 COUNTY OF \_\_\_\_\_  
10  
11 Before me,  
12 \_\_\_\_\_, on this day  
13 personally appeared DAVID SULLIVAN, known to  
14 me (or proved to me under oath or through  
15 \_\_\_\_\_) (description of  
16 identity card or other document) to be the  
17 person whose name is subscribed to the  
18 foregoing instrument and acknowledged to me  
19 that they executed the same for the purposes  
20 and consideration therein expressed.  
21 Given under my hand and seal of  
22 office this \_\_\_\_\_ day of  
23 \_\_\_\_\_, \_\_\_\_\_.  
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1 I further certify that I am neither counsel  
2 for, related to, nor employed by any of the  
3 parties or attorneys in the action in which  
4 this proceeding was taken, and further that I  
5 am not financially or otherwise interested in  
6 the outcome of the action.  
7 Certified to by me this \_\_\_\_ of \_\_\_\_\_  
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13 Texas CSR No. 8462  
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2 FOR THE SOUTHERN DISTRICT OF TEXAS  
3 HOUSTON DIVISION  
4  
5 In Re: )  
6 )  
7 ) Civil Action No.  
8 ) 4:21-cv-00575  
9 APACHE CORP. SECURITIES )  
10 LITIGATION )  
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